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**CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

BY J DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE LARRY A. BURNS)

11 UNITED STATES OF AMERICA,) Case No. 08CR0213-LAB
12 Plaintiff,) DATE: July 25, 2008
13 v.) TIME: 9:30 a.m.
14 RICHARD SILLS,) MOTION TO FILE
15 Defendant.) DEFENDANT'S SENTENCING
MEMORANDUM UNDER SEAL

17 The above-named defendant, by and through counsel, requests to file the attached Sentencing
18 Memorandum UNDER SEAL.

19 Mr. Sills' Sentencing Memorandum addresses very private information about his mental
20 health. It also contains attachments to Bureau of Prison Psychological and Hospital records that were provided
21 to defense counsel and deemed confidential, sensitive information.

22 This Court has the power and the authority to accept a defendant's submissions under seal.
23 United States v. Gurolla, 333 F.3d 944, 952 (9th Cir. 2003) (district court properly sealed submissions
24 regarding proposed entrapment defense); United States v. Hickey, 185 F.3d 1064 (9th Cir. 1999) (district court
25 has the authority to accept financial affidavits submitted under seal). In this case, sealing the attached
26 memorandum is necessary to protect Mr. Sills' privacy and for his safety while in custody.

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1 Importantly, there is no public interest in this private information about Mr. Sills that
2 outweighs Mr. Sills' safety and privacy interests. Although the government has an interest in this information,
3 this interest will be satisfied by Mr. Sills providing them with a courtesy copy of this filing.

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7 DATED: July 25, 2008
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10 Respectfully submitted,
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/s Jodi Thorp
JODI D. THORP
Attorney for Mr. Sills